

REMARKS

This is in response to the Office Action mailed on June 25, 2004. Claims 14 and 16 are amended to further clarify the recited subject matter. The amendments have not been made to overcome a reference. No claims are canceled, and no claims are added. Thus, claims 14-46 remain pending in this application. Of these pending claims, claims 14-17 are currently under consideration, and claims 18-46 currently stand withdrawn.

Supplemental Information Disclosure Statement

Applicant is submitting a Supplemental Information Disclosure Statement and a 1449 Form with this Response. Applicant respectfully requests that an initialed copy of the 1449 Form be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

Objections to the Claims

Claim 16 was objected to because of an informality. Applicant has amended claim 16, and respectfully requests reconsideration and withdrawal of the objection.

§102 Rejection of the Claims

Claims 14-16 were rejected as being anticipated by Alt et al. (U.S. Patent No. 5,725,559). Applicant respectfully traverses this rejection at least for the following reasons.

With respect to independent claim 14, Applicant is unable to find among other things in Alt a clinical rhythm associated with one or more available detection enhancements, as recited in claim 14. Applicant respectfully traverses the characterization of restored functions of an implantable cardioverter/defibrillator previously restricted (Abstract), which was identified in the rejection as an upgrade of a process to include additional therapy regimens, as detection enhancements. According to the present application, detection enhancements are used in implantable cardioverter defibrillator therapy to reduce the incidence of inappropriate shocks (page 1 lines 15-16), and are sets of rules for determining when to deliver shock therapy (page 1 lines 22-23). Should the rejection be maintained, Applicant respectfully requests the specific

language of the claims be applied against specific portions of the Alt et al. reference so that Applicant can judge the propriety of continuing in the prosecution (37 CFR §1.104(a)(2)).

Claims 15-17 are dependent on claim 14. These dependent claims recite additional features, and are believed to be allowable at least for the reasons provided with respect to claim 14. Withdrawal of the rejection, and reconsideration and allowance of the claims are respectfully requested.

§103 Rejection of the Claims

Claim 17 was rejected under 35 USC § 103(a) as being unpatentable over Alt et al. (U.S. Patent No. 5,725,559) in view of Nelms (U.S. Patent No. 4,323,074). Applicant respectfully traverses the rejection at least for the following reasons.

With respect to dependent claim 17, Applicant is unable to find, among other things, in the combination of Alt and Nelms a fair suggestion of a module for receiving a user-provided selection of a clinical rhythm, where the clinical rhythm is associated with one or more available detection enhancements, and a module for receiving a user-provided selection to modify the selection of the at least one detection enhancement, as recited in the base claim 14. Furthermore, with respect to dependent claim 17, Applicant is unable to find, among other things, a first screen that provides a capability to activate the at least one detection enhancement which is seeded with at least one parameter, and a second screen that provides a capability to change the at least one parameter for the at least one detection enhancement, as recited in the claim. Withdrawal of the rejection, and reconsideration and allowance of the claims are respectfully requested.

Consideration of Withdrawn Claims

As provided in Applicant's previous response to the restriction requirement, Applicant believes that at least independent claim 14 is generic to the species identified by the Examiner. In accordance with 37 CFR 1.141, Applicant respectfully requests consideration of the withdrawn claims upon the allowance of a generic claim.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 9-27-04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of September, 2004.

Paula Suehy

Name

Paula Suehy

Signature